

*wks*  
CARRIE K.S. OKINAGA, 5958  
Corporation Counsel

ORIGINAL

EFILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

FEB 21 2006

at 3 o'clock and 54 min.  
SUE BEITIA, CLERK

KENDRA K. KAWAI, 7779  
MARIE MANUELE GAVIGAN, 6585  
Deputy Corporation Counsel  
530 S. King Street, Room 110  
City and County of Honolulu  
Honolulu, Hawai'i 96813  
Telephone: 523-4116/527-5585  
Facsimile: 523-4583/Email address: kkawai@honolulu.gov

Attorneys for Defendants  
WILLIAM P. BADUA, JEFFREY OMAI and  
SPENCER ANDERSON

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

OFELIA COLOYAN,

) CIVIL NO. CV03-476 KSC

Plaintiff,

) NOTICE OF HEARING;

vs.

) DEFENDANTS WILLIAM P.

WILLIAM P. BADUA;  
JEFFREY OMAI;  
SPENCER ANDERSON;  
NEIL PANG;  
and DOES 5-10,

) SPENCER ANDERSON'S MOTION  
IN LIMINE NO. 10, RE:

Defendants.

) PRECLUDING TESTIMONY AS TO

) DEFENDANT BADUA'S PHONE

) CONVERSATION WITH DEFENSE

) COUNSEL; MEMORANDUM IN

) SUPPORT OF MOTION;

) DECLARATION OF KENDRA K.

) KAWAI; EXHIBIT "A";

) CERTIFICATE OF SERVICE

)

) Date: \_\_\_\_\_

) Time: \_\_\_\_\_

) Judge: Honorable Kevin S.C. Chang

)

) TRIAL DATE: WEEK OF  
\_\_\_\_\_

MARCH 14, 2006

NOTICE OF HEARING

TO: JACK SCHWEIGERT, ESQ.  
550 Halekauwila Street, Room 309  
Honolulu, Hawai'i 96813  
and  
ARTHUR E. ROSS, ESQ.  
126 Queen Street, Suite 210  
Honolulu, Hawaii 96813  
and  
RORY SOARES TOOMEY  
1088 Bishop Street, Suite 1004  
Honolulu, Hawaii 96813

Attorneys for Plaintiff  
OFELIA COLOYAN

PLEASE TAKE NOTICE that the undersigned will bring the foregoing Motion on for hearing before the Honorable Kevin S.C. Chang, Magistrate Judge of the above-entitled Court, in his courtroom at the Prince Kuhio Federal Building, 300 Ala Moana Boulevard, Honolulu, Hawaii, on the \_\_\_\_\_ day of \_\_\_\_\_, 2006, at \_\_\_\_\_ o'clock .m., or as soon thereafter as counsel may be heard.

DATED: Honolulu, Hawaii, February 21, 2006.

CARRIE K.S. OKINAGA  
Corporation Counsel

By Kendra Kawai  
KENDRA K. KAWAI  
MARIE MANUELE GAVIGAN  
Deputies Corporation Counsel  
Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

OFELIA COLOYAN, ) CIVIL NO. 03-476 KSC  
Plaintiff, )  
. vs. ) DEFENDANTS WILLIAM P.  
WILLIAM P. BADUA; ) BADUA, JEFFREY OMAI AND  
JEFFREY OMAI; ) SPENCER ANDERSON'S MOTION  
SPENCER ANDERSON; ) IN LIMINE NO. 10, RE:  
NEIL PANG; ) PRECLUDING TESTIMONY OF  
and DOES 5-10, ) DEFENDANT BADUA'S PHONE  
Defendants. ) CONVERSATION WITH DEFENSE  
 ) COUNSEL  
 )  
 )  
 )  
 )  
 )  
 )

DEFENDANTS WILLIAM P. BADUA, JEFFREY OMAI AND  
SPENCER ANDERSON'S MOTION IN LIMINE NO. 4  
RE: PRECLUDING TESTIMONY OF DEFENDANT BADUA'S PHONE  
CONVERSATION WITH DEFENSE COUNSEL

Defendants WILLIAM P. BADUA, SPENCER ANDERSON and JEFFREY OMAI (hereinafter collectively "Defendants"), by and through their attorneys, Carrie K.S. Okinaga, Corporation Counsel, and Kendra K. Kawai and Marie Manuele Gavigan, Deputies Corporation Counsel, hereby move this Honorable Court for an order, in limine, to preclude Plaintiff from cross-examining Defendant Badua "as to his original phone conversation with defense counsel prior to representation by Corporation Counsel in this matter."

This motion is brought pursuant to Rule 7 of the Federal Rules of Civil Procedure, LR 16.9, Rules 401, 402, 403 and 501 of the Federal Rules of Evidence, and Rule 503 of the Hawaii Rules of Evidence and is based upon the memorandum of law attached hereto, as well as upon the record and files herein.

DATED: Honolulu, Hawaii, February 21, 2006.

CARRIE K.S. OKINAGA  
Corporation Counsel

By   
KENDRA K. KAWAI  
MARIE MANUELE GAVIGAN  
Deputies Corporation Counsel  
Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAI'I

OFELIA COLOYAN, ) CIVIL NO. 03-476 KSC  
Plaintiff, )  
vs. ) CERTIFICATE OF SERVICE  
WILLIAM P. BADUA; )  
JEFFREY OMAI; )  
SPENCER ANDERSON; )  
NEIL PANG; )  
and DOES 5-10, )  
Defendants. )  
\_\_\_\_\_  
)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the within was duly served by hand delivery to the following individuals at their addresses shown below on February 21, 2006:

JACK SCHWEIGERT, ESQ.  
550 Halekauwila Street, Room 309  
Honolulu, Hawai'i 96813  
and

ARTHUR E. ROSS, ESQ.  
126 Queen Street, Suite 210  
Honolulu, Hawaii 96813  
and

RORY SOARES TOOMEY  
1088 Bishop Street, Suite 1004  
Honolulu, Hawaii 96813

Attorneys for Plaintiff  
OFELIA COLOYAN

DATED: Honolulu, Hawai'i, February 21, 2006.

CARRIE K.S. OKINAGA  
Corporation Counsel

By:



---

KENDRA K. KAWAI  
MARIE MANUELE GAVIGAN  
Deputies Corporation Counsel

Attorney for Defendants